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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,077	12/31/2003	Alan J. Solyntjes	58504US002	2080
32692 7590 06/06/2007 3M INNOVATIVE PROPERTIES COMPANY PO BOX 33427 ST. PAUL, MN 55133-3427			EXAMINER ALI, SHUMAYA B	
			ART UNIT 3771	PAPER NUMBER
			NOTIFICATION DATE 06/06/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/750,077

Applicant(s)

SOLYNTJES ET AL.

Examiner

Shumaya B. Ali

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3771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14, 17, 20-27 is/are rejected.
- 7) ☒ Claim(s) 15, 16, 18 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments see remark, filed on 3/19/07, with respect to the rejection(s) of claim(s) 1-27 have been fully considered and are persuasive. **Therefore, the FINAL REJECTION mailed on 8/24/06 has been withdrawn.** However, upon further consideration, a new ground(s) of rejection is made in view of Resnick US 6,817,358 B1.

Claim Objections

Claim 14 is objected to because of the following informalities: in line 3 the term "the tab" lacks antecedent basis. Appropriate correction is required.

Claim 15 is objected to because of the following informalities: in line 1 the terms "the ramp portion" and "the ramp", and in line 2 the term "the tab" lack antecedent basis. Appropriate correction is required. For the examination purposes claim 15 is considered depending from claim 14.

Claim 16 is objected to because of the following informalities: in line 1 the term "the ramp" and in line 3 the term "the inner surface" lack antecedent basis. Appropriate correction is required. For the examination purposes claim 16 is considered depending from claim 15.

Claim 18 is objected to because of the following informalities: claim 18 recites "a second ramp" and "a second tab void" in lines 1 and 2, however, claim 18 depends from claim 1, which does not have any recitation of a first portion or a first tab void, these recitations however recitation of ramp and tab void are seen in claim 3. If claim 18 is to depend from claim 3, then

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consider changing the recitation of “ram” and “tab void” of claim 3 respectively to --a first ramp-
- and --first void--. For the examination purposes claim 18 is considered depending from claim
3.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-9,14,17, and 20-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Resnick US Patent No. 6,817,358 B1.

As to claim 1, Resnick discloses a personal respiratory protection device that comprises:

(a) a mask body (**fig.5, 10**) that is adapted to fit at least over a person's nose and mouth; (b) at least one fluid communication (**fig. 11, 33**) component located in fluid communication with the mask body so that a non-contaminated source of oxygen can be supplied to a wearer of the personal respiratory protection device; (c) at least one non-contaminated breathing gas supply source component (**fig.5, 30**), and (d) at least one bayonet attachment system (**figs.5 and 11, 36, 70,71,60, and 60ab**) that enables the breathing gas supply source component to be fluidically communicatively secured to the fluid communication component, the bayonet attachment system comprising a first portion (**fig.11, 35,26,70**) and a second portion (**fig.11, 38,33**), wherein when

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the first portion is attached to the second portion with a connection that is incapable of being inadvertently separated (**via lock 60, see fig.5**).

As to claim 2, Resnick discloses wherein a respiratory mask that has at least one filter cartridge (**fig.5, 30**) as the at least one non-contaminated breathing gas supply source component.

As to claim 3, Resnick discloses wherein the first portion of the bayonet attachment system comprises a tab receptacle (**fig.11, 70**) and a tab void area (**fig.11, area under 70**), and wherein the second portion comprises a tab extending therefrom (**fig.11, 33**), the tab having a size no greater than the tab void area and no greater than the tab receptacle, wherein when the first portion is attached to the second portion to cause the tab to seat within the tab receptacle, a connection is formed that is incapable of being inadvertently removed (**via 60**).

As to claims 4 and 22, Resnick discloses wherein the connection is permanent (**via 60, see fig.5**).

As to claims 5 and 21, Resnick discloses wherein the connection can only be unlocked with a key (**via 60, see fig.5**).

As to claim 6, Resnick discloses wherein the bayonet attachment system further comprises a third part (**fig.11, 36**), wherein disengagement of the first portion from the second portion requires breaking the first portion, the second portion, the third part and any part or combination thereof (**disassembling or breaking would involve unlocking 60 and disengaging all parts from 10, see fig.5**).

As to claim 7, Resnick discloses wherein the bayonet attachment system comprises a locking device (**fig.5, 60**) that is integral with the first portion, the second portion, or a combination thereof.

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As to **claim 8, Resnick** discloses wherein the bayonet attachment system comprises a locking device that is integrated into the first portion, the second, or a combination thereof (**fig.5, 60**),

As to **claim 9, Resnick** discloses wherein the connection can be separated through a use of a key (**see fig.5, 60**).

As to **claim 14, Resnick** discloses wherein the first portion further comprises a ramp portion (**fig.11, outer curvature or threaded portion of 36**); and wherein the tab receptacle of the first portion is defined by a first wall (**walls of the treaded portion facing the outside environment**) and an opposite second wall (**walls interior to the first wall**), the first wall defined by the ramp portion (**see fig.12**).

As to **claim 17, Resnick** discloses wherein (a) the first portion has an aperture (**fig.11, aperture through 35**) there through, and (b) the second portion comprises a body having an aperture there through (**an aperture through filter on 32**), the body configured for attachment to the first portion such that the first portion aperture aligns with the body aperture.

As to **claim 20, Resnick** discloses a personal respirator with a bayonet attachment system (**figs.5 and 11, 36, 70,71,60, and 60ab**), first portion (**fig.11, 35,26,70**) comprising a tab receptacle (**fig.11, 70**) and a void area (**fig.11, area under 70**), and no greater than the tab void area and no greater than the tab receptacle, wherein when the first portion is attached to the second portion to cause the tab to seat within the tab receptacle a connection is formed that is incapable of being inadvertently removed (**via 60, see fig.5**).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10-13, and 23-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Resnick discloses US Patent no. 6,817,358 B1.

As to claims 10-13, limitations “power purifying respirator”, “self contained breathing apparatus”, “full face mask”, and “a supplied air hood” are considered alternative forms of interfaces known to one of ordinary skill in the art. **Therefore, it would have been obvious to one of ordinary skills in the art to consider the protective hood of Resnick as an equivalent interface. Additionally, Applicant has not established why a specific type of respirator is critical to the invention in terms of proving a specific function and/or solving a stated problem. Therefore, it would have been obvious to one or ordinary skills in the art to substitute one respiratory protection device with another as a matter of design choice.**

As to claims 23-27, Resnick lacks the detailed method steps cited for claims 23-24, however teaches structures required (see rejection cited for claims 1-14,17, and 20-21). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to obtain the claimed method step while using the respiratory protection device of Resnick.

Allowable Subject Matter

The indicated allowability of claims 5,6,9,21, and 26 is withdrawn in view of the newly discovered reference(s) to Resnick US 6,817,358 B1.

Claims 15,16,18, and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, and upon addressing objections to claims as indicated above under "claim objection".

Conclusion

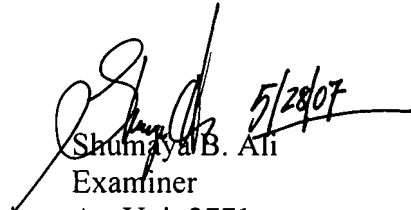
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shumaya B. Ali whose telephone number is 571-272-6088. The examiner can normally be reached on M-W-F 8:30am-5:00 pm.

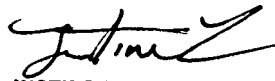
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine Yu can be reached on 571-272-4835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

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like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Shumaya B. Ali
Examiner
Art Unit 3771


JUSTINE R. YU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

5/29/07